

**PART – I****HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 31st March, 2020

**No. Leg. 5/2020.**— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 16th March, 2020 and is hereby published for general information:-

**HARYANA ACT NO. 5 OF 2020****THE HARYANA AGRICULTURAL PRODUCE MARKETS (AMENDMENT) ACT, 2020****AN****ACT**

*further to amend the Haryana Agricultural Produce Markets Act, 1961.*

Be it enacted by the Legislature of the State of Haryana in the Seventy-first Year of the Republic of India as follows:-

1. This Act may be called the Haryana Agricultural Produce Markets (Amendment) Act, 2020. Short title.
2. In section 2 of the Haryana Agricultural Produce Markets Act, 1961 (hereinafter called the principal Act),- Amendment of section 2 of Haryana Act 23 of 1961.
  - (i) before clause (a), the following clause shall be inserted, namely:-  
‘(i-a) “ad hoc buyer” means a buyer registered under this Act;’;
  - (ii) in clause (a), after the words “forest produce”, the words and signs “, livestock, fisheries,” shall be added;
  - (iii) for clause (aa), the following clause shall be substituted, namely:-  
‘(aa) “assaying lab” means a laboratory set up on such parameters as prescribed by the State Government for testing the quality of agricultural produce;’;
  - (iv) for clause (ga), the following clauses shall be substituted, namely:-  
‘(ga) “e-trading” means trading of agricultural produce in which registration, auctioning, billing, booking, contracting, tendering, information exchanging, record keeping and other connected activities are done electronically on computer network/ internet;  
(gb) “e-trading platform” means electronic platform set up either by State Government or its agencies or a person licensed under this Act for conducting sale or purchase of agricultural produce through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting auctioning, tendering, etc. are carried out online through computer network/ internet or any other such electronic device, where physical transaction takes place;’;
  - (v) for the existing explanation to clause (o), the following explanation shall be substituted, namely:-  
“Explanation.- The term “producer” shall include tenant, agriculturalist, association of agriculturalists by whatever name called, registered under any law for the time being in force.”.
  - (vi) clause (rc) shall be omitted;

(vii) after clause (t), the following clauses shall be inserted, namely:-

‘(u) “user charges” means charges levied for the use of infrastructure or for services rendered by the Board or the Committee or by any other entity authorized by the State Government in this behalf; and

(v) “value addition” includes cleaning, processing, standardization, grading, packing or other such activities which enhance the value of agricultural produce.’.

Amendment of  
section 3 of  
Haryana Act 23 of  
1961.

3. In section 3 of the principal Act,-

(i) in clause (a) of sub-section (1), after the word “Director”, the signs and words “/Secretary of the Board” shall be added;

(ii) for sub-section (10), the following sub-section shall be substituted, namely:-

“(10) The State Government or any officer authorized by it in this behalf, the Deputy Commissioner, Sub-Divisional Officer (Civil), the Chairman, the Chief Administrator or Secretary of the Board or any other officer of the Board authorised in this behalf by the Board may call for any information or return relating to agricultural produce from a Committee or a godown-keeper or other functionaries including all licensees under this Act and shall have the power to inspect the records and accounts of a Committee and stock and accounts of any godown-keeper or other functionaries for that purpose.”.

Substitution of  
section 7 of  
Haryana Act 23 of  
1961.

4. For section 7 of the principal Act, the following sections shall be substituted, namely:-

“7. Declaration of market yards.-

(1) For each notified market area, there shall be one principal market yard, one or more sub-market yards, one or more consumers’ market, one or more special commodities market, one or more e-trading platform, one or more terminal market, one or more seasonal market yards, one or more special market yards, one or more producer and consumer market yards, one or more producer market yards and one or more private market yards, as may be necessary.

(2) The State Government may, by notification, declare any enclosure, building or locality in any notified market area to be principal market yard for the area and other enclosures, buildings or localities to be one or more sub-market yards, one or more consumers’ market, one or more special commodity market, one or more e-trading platform, one or more terminal market, one or more seasonal market yards, one or more special market yards, one or more producer and consumer market yards, one or more producer market yards and one or more private market yards for the area.

(3) The State Government may declare any market established under sub-section (2) as market of national or international importance after considering such factors, as may be prescribed.

“7A. Establishment of seasonal market yard.-

(1) The Chief Administrator of the Board may, for a particular crop or crops, notify any enclosure or building or locality in a notified market area to be a seasonal market yard which shall be established, maintained and operated by market committee concerned primarily in the harvesting season of that particular crop or crops, as the case may be.

(2) The Market Committee concerned in the notified market yard have to establish a market therein and to provide such facilities for marketing of agricultural produce and for persons visiting it in connection with the purchase, sale, storage, weighing and processing of agricultural produce, as may be directed by the Chief Administrator of the Board, from time to time.

## 7B. Establishment of special market yard.-

- (1) In order to notify a special market yard under section 7, the State Government, apart from other things shall also consider such aspects as turnover, serving area and special infrastructural requirements of particular commodities to be marketed therein, as may be prescribed.
- (2) Such special market yards may be managed either directly by the Board or through public private partnership or through a co-operative or corporate body or Special Purpose Vehicle or individuals, as may be notified, from time to time and shall not be under the control of the Market Committee concerned.

## 7C. Development of infrastructure.-

- (1) The Board or a market committee with the permission of the Board shall create and develop the infrastructure at its own, in general, to facilitate the marketing of agricultural produce in the notified market area.
- (2) The Board or a market committee or a group of market committees with the permission of the Board, may create, promote, manage and maintain infrastructure for a market yard or for value addition such as cleaning, standardization, grading and post harvest handling of agricultural produce including cold storages, pre-cooling facilities and pack houses in notified market area through public private partnership.”.

## 5. For section 8C of the principal Act, the following sections shall be substituted, namely:-

## “8C. Establishment of e-trading platform.-

- (1) Any person who desires to establish a private market yard in any notified market area under section 7, shall apply to the State Government or any officer authorized by it along with requisite fee for grant of license and such authority shall grant the licence for such period, in such form, on such terms and conditions, as may be prescribed.
- (2) Subject to the provisions of this Act and the rules made there under, the State Government or any officer authorized by it in this behalf, may grant permission to any person for setting up an e-trading platform for marketing of notified agricultural produce in the State on fulfilment of such terms and conditions and in such manner, as may be prescribed:

Provided that owner or service provider of e-trading platform shall neither be permitted for the sale or purchase of agricultural produce in the e-trading platform.

- (3) Save as provided in sub-sections (1) and (2), the State Government or its agencies may establish and run e-trading platform for trading in notified agricultural produce including livestock, in such manner, as may be prescribed.

## “8D. Establishment of private market yard.-

- (1) Subject to such terms and conditions and such fee, as may be prescribed, the State Government or any officer authorized by it in this behalf may grant a license for such period to a person to establish a private market yard for trading of any or all notified agricultural produce.
- (2) The owner of the private market yard, referred to in sub-section (1) shall neither be permitted himself for sale or purchase of agricultural produce in the private market yard so developed and managed by him nor any other person shall do so on his behalf, as the case may be.
- (3) Save as otherwise provided in this Act, the owner of the private market yard or its management committee, by whatever name called, referred to in sub-section (1) shall perform such functions and duties of the Market Committee, as may be prescribed and under the overall supervision of the State Government or any officer authorised by it in this behalf.

Substitution of  
section 8C in  
Haryana Act 23 of  
1961.

- (4) The private market yard licensee may register commission agents and other market functionaries to operate in the licensed private market yard.
- (5) Any dispute concerning private yards shall be referred to the State Government or any officer authorised by it in this behalf and the decision thereon shall be final.

8E. Direct marketing.- Subject to the provisions of this Act and the rules made there under, the State Government may grant permission to any person for purchase of such fruits and vegetables, notified as agricultural produce directly from producers outside or inside the principal market yard or sub-market yard or at any place specified in the notified market area, on fulfilment of such terms and conditions and in such manner, as may be prescribed.

8F. Establishment of producer-consumer market yard.-

- (1) A producer and consumer market yard may be set up with suitable infrastructure in accordance with the provisions of this Act and rules made thereunder by any person or a group of producers or the Market Committee, as the case may be, in any notified market area for retail sale, on fulfilment of such terms and conditions and in such manner, as may be prescribed.
- (2) Any person other than market committee and Board, who desires to establish private producer and consumer market yard in any notified market area under section 7, shall apply to the State Government or any officer authorized by it in this behalf along with requisite fee for grant of license and the such authority shall grant the licence for such period, in such form, on such terms and conditions, as may be prescribed.

8G. Establishment of producer market yard (Kisan Mandi).-

- (1) The producer market yard (Kisan Mandi) may be established outside the principal market yard or sub-market yard in the notified market area. Such market yard may be set up with suitable infrastructure in accordance with the provisions of this Act and the rules made there under by a group of producers in any notified market area for sale to whole sellers or institutional buyer or any other buyer, as may be prescribed.
- (2) Any person other than market committee and Board who desires to establish a private producer market yard (Kisan Mandi) in any notified market area under section 7, shall apply to the State Government or any officer authorized by it in this behalf along with requisite fee for grant of license and such authority shall grant the licence for such period, in such form, on such terms and conditions, as may be prescribed.

8H. Declaring warehouse/silos/cold storage or other such structure or place as market sub-yard.- Save as otherwise provided in this Act, the State Government may, by notification, declare warehouse/ silos/ cold storage or other such structure or place with such infrastructure and facilities, as may be prescribed to function as market sub-yard for the sale and purchase of perishable agricultural produce and agriculture produce purchased by Government agencies, based on minimum support price.

*Explanation.-* The expression 'place' under this sub-section shall include any structure, enclosure, open space, locality, street including pack house/cleaning grading unit etc but not including a processing unit/factory having a facility of such warehouse/ silos/ cold storage etc.

- (2) The owner of such warehouse/ cold storage, or other such structure or place, as the case may be, desirous of declaration of such place as market sub-yard under sub-section (1), shall apply to the State Government or any officer authorized by it, in such form and in such manner along with such fee and also for such period which shall not be less than three years, as may be prescribed.
- (3) The licensee of such warehouse/ silos/ cold storage or other such structure or place shall collect, on behalf of the Market Committee, fee on notified agricultural produce transacted at the declared market sub-yard, at the rate ad valorem, as notified by the State Government and the same shall be deposited by such licensee to the Marketing Development Fund maintained by the Board.

- (4) A warehouse/silos/cold storage registered with warehousing development and regulatory authority under the provisions of Warehousing (Development and Regulation), Act, 2007 (Central Act 37 of 2007) shall be a deemed market sub-yard for purpose of this section and the operator of such warehouse/silos/cold storage shall be a deemed licensee for the purpose of this Act.
6. In section 9 of the principal Act, for the word “The”, the words and sign “Save as otherwise specifically provided in any other provisions of this Act, the” shall be substituted. Amendment of section 9 of Haryana Act 23 of 1961.
7. After section 9 of the principal Act, the following section shall be inserted, namely:- Insertion of section 9A in Haryana Act 23 of 1961.
- “9A. Registration of ad hoc buyer.- Any person desirous of wholesale buying from any place in notified market area, on day to day basis for own consumption even without valid license granted under section 8, may register with the concerned Market Committee, in such form and in such manner, as may be prescribed:
- Provided that-
- (a) such buyer shall specify the place and day of purchase while making the registration or thereafter before such purchase;
- (b) such buyer shall be liable to pay fee at the rate, as may be prescribed:
- Provided further that such wholesale purchases shall be made more than three times in a month across the State of Haryana.
8. In section 23 of the principal Act,- Amendment of section 23 of Haryana Act 23 of 1961.
- (i) existing section shall be re-numbered as sub-section (1);
- (ii) after sub-section (1), so re-numbered, the following sub-section shall be added, namely:-
- “(2) Subject to the presentation of such requisite documents, as may be prescribed, no fee shall be levied on the agricultural produce bought or sold in respect of which such fee has already been paid in the same or any other notified market area within the State of Haryana.
- (3) Any licensee obtaining a license under section 10 for the State, wholly or partly but for more than one notified market area, may deposit fee and additional fee, if any, with the Board within seven days of transaction irrespective of the transactions carried out in different notified market areas.
- (4) In the special market yard, private market yard, producer and consumer market yard, private e-trading platform and Producer Market Yard (Kissan Mandi), the user charges shall be levied in lieu of market fee, however, producer-seller shall be exempted from the user charges:
- Provided that the State Government, in public interest may, from time to time, by notification, put ceiling on the rate of collection of user charges.
- (5) The owner/management, as the case may be of the special market yard, private market yard, producer and consumer market yard, private e-trading platform and producer market yard (Kissan Mandi) shall be responsible for the collection and deposit of any additional fee or cess levied by the State Government from time to time, in the Marketing Development Fund.”.
9. In section 26 of the principal Act,- Amendment of section 26 of Haryana Act 23 of 1961.
- (a) in clause (xvii), for the sign “:” existing at the end, the sign “;” shall be substituted;
- (b) after clause (xvii), the following clauses shall be added, namely:-
- “(xviii) establishment of regulatory system and to create infrastructure for e-trading platform, e-marketing, direct marketing, e-trading, producer and consumer marketing and producer marketing ;

- (xix) providing infrastructure for grading, standardization and packaging of agricultural produce;
- (xx) to create and promote an infrastructure on its own or through public private partnership for a market yard of a notified market area and value addition such as cleaning, ripening standardization, grading, packaging and post harvest handling of agricultural produce;
- (xxi) construction, repair, maintenance of link roads and passages to market yard.”;

(c) existing proviso shall be omitted.

Insertion of section 27A in Haryana Act 23 of 1961.

**10.** After section 27 of the principal Act, the following section shall be inserted, namely:-

“27A. Contribution to Board.- The special market yard, private market yard, producer and consumer market yard, private e-trading platform and producer market yard (Kissan Mandi) licensee/operator shall contribute a part of the user charges at the prescribed rate to the Marketing Development Fund.”.

Amendment of section 28 of Haryana Act 23 of 1961.

**11.** In section 28 of the principal Act,-

- (i) in clause (xvii), for the sign “.” existing at the end, the sign “;” shall be substituted; and
- (ii) after clause (xvii), the following clauses shall be added, namely:-
  - “(xviii) to establish regulatory system and to create infrastructure for e-trading platform, e-marketing, direct marketing, e-trading, producer and consumer marketing and producer marketing;
  - (xix) to provide infrastructure for cleaning, grading, standardization and packaging of agricultural produce;
  - (xx) to create and promote an infrastructure on its own or through public private partnership for a market yard of a notified market area and value addition such as cleaning, standardization, grading, packaging and post harvest handling of agricultural produce.”.

Amendment of section 43 of Haryana Act 23 of 1961.

**12.** In sub-section (2) of section 43 of the principal Act,-

- (i) in clause (xxxiv), for the sign “.” existing at the end, the sign “;” shall be substituted; and
- (ii) after clause (xxxiv), the following clauses shall be added, namely:-
  - “(xxxv) to acquire, hold, sell, lease or otherwise transfer movable and immovable property;
  - (xxxvi) for all other activities related to creation of market infrastructure, regulatory mechanism and specialized management of a particular market yard;
  - (xxxvii) for any other matter which is required to fulfil the purposes and objectives under this Act or the rules made thereunder;
  - (xxxviii) for granting the licenses to special market yard, private market yard, e-trading platform, direct marketing, producer and consumer market yard, producer market yard (Kissan Mandi) and establishing regulatory system, creating infrastructure, sharing of market fee or additional fee, if any, and user charges realized and any other activities related thereto;
  - (xxxix) for all other activities related to establish regulatory system and create infrastructure for the better marketing of agricultural produce;

- (xl) for establishing of regulatory system and creating infrastructure for e-Kissan Mandi, e-marketing and e-trading;
- (xli) for the manner for establishment , functioning and funds for market extension and training cell;
- (xlii) for the grades and standards to be set up and certification, the establishment, finances and functioning for agricultural produce marketing;
- (xlili) for the areas for development and procedure for public private partnership; and
- (xliv) to define policy for construction, repair, maintenance of rural link roads and passages.

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